

## **TITLE 16**

### **STRUCTURAL PEST CONTROL BOARD**

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at The Queen Mary, 1126 Queens Highway Long Beach, California, at 9 a.m., on October 11, 2002. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under contact person in this Notice, must be received by the Structural Pest Control Board at its office not later than 5:00 p.m. on October 10th or must be received by the Structural Pest Control Board at the hearing. The Structural Pest Control Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 8525 of the Business and Professions Code, and to implement, interpret or make specific Sections 8514 and 8516 (b)(10) of said Code, the Structural Pest Control Board is considering changes to Division 19 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### 1. Amend 1991(a)(8)(C)

Existing law states that recommendations for corrective measures shall be made to exterminate all wood-destroying pests, and if evidence indicates that wood destroying pests extend into inaccessible areas, then recommendations must include either enclosing the structure for an all encompassing treatment, by use of another all encompassing method of treatment which exterminates the infestation of the structure, or by locally treating by exposing the infested area(s) for local treatment, removing the infested wood, or using another method of treatment which exterminates the infestation.

The regulatory proposal would require that if any recommendation is made for local treatment, the report must contain language informing consumers that local treatment is not an all encompassing treatment method, and infestations of wood-destroying pest extending or existing beyond the area(s) of local treatment will not be exterminated.

## 2. Adopt 1993.2

Existing regulation requires that an inspection of a structure be made prior to commencement of work on a contract, or the signing, issuing, or delivering of any document expressing an opinion or statement relating to the control of wood destroying pests.

The Board proposes to adopt regulation clarifying that installation of any termite bait station requires a prior inspection of the structure. The proposal also defines the terms above ground bait station and in-ground bait station.

## 3. Adopt 1993.3

Existing regulation requires that a control service agreement specify the terms and conditions of the contractual agreement for the purpose of informing the consumer what preventive services the consumer can expect to receive and what items are not covered in the service.

The Board proposes to adopt regulation to specify that the use of in-ground termite bait station systems would be considered a control service agreement in order to ensure that the consumer will be informed as to what services will be rendered as well as what items will not be covered with this system.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Structural Pest Control Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### Impact on Jobs/New Businesses:

The Structural Pest Control Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### Cost Impact on Representative Private Person or Business:

The Structural Pest Control Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Cost: None

#### EFFECT ON SMALL BUSINESS

The Structural Pest Control Board has determined that the proposed regulations would not affect small business. The proposed changes are word verbiage changes and will not affect the cost to small business.

#### CONSIDERATION OF ALTERNATIVES.

The Structural Pest Control Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Structural Pest Control Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Structural Pest Control Board at 1418 Howe Ave. Suite 18, Sacramento, California 95825-3280.

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **or by accessing the website listed below.**

## CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name:	Delores Coleman
Address:	1418 Howe Ave. Suite 18 Sacramento, CA 95825
Telephone No.:	(916) 561-8700
Fax No.:	(916) 263-2469
E-Mail Address:	Delores_Coleman@dca.ca.gov

The backup contact person is:

Name:	Susan Saylor
Address:	1418 Howe Ave. Suite 18 Sacramento, Ca 95825
Telephone No.:	(916) 561-8700
Fax No.:	(916) 263-2469
E-Mail Address:	Susan_Saylor@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Dennis Patzer (916) 561-8700.

Website Access : Materials regarding this proposal can be found at [www.pestboard.dca.ca.gov](http://www.pestboard.dca.ca.gov)

